

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NICHOLAS YAWORSKY,
Plaintiff,

v

NEW LEAF SOLUTIONS, LLC and DOES 1-10
INCLUSIVE,

Defendants.

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MEMORANDUM ORDER

Now pending before the Court is the DECLARATION OF JODY BURTON, ESQ. IN SUPPORT OF APPLICATION FOR ATTORNEY’S FEES AWARD (ECF No. 17). The Declaration was made in accordance with the October 22, 2014 Memorandum Opinion and Order of Court, which held Defendant New Leaf Solutions, LLC (“New Leaf”) in contempt of Court and granted Plaintiff’s motion for sanctions (ECF No. 16). New Leaf was ordered to file a response to the request for counsel fees on or before November 21, 2014. To date, New Leaf has not filed a response. Accordingly, the request for counsel fees will be resolved without the benefit of a response from Defendant New Leaf.

In essence, New Leaf has failed to comply with a settlement agreement by its repeated refusal to pay the settlement proceeds to Yaworsky in defiance of the Court’s previous orders. In the October 22, 2014 Memorandum Opinion, the Court found that New Leaf is in civil contempt of Court; and that Plaintiff is entitled to compensation for the reasonable attorneys fees and costs that he has been forced to incur to enforce the settlement agreement.

The Declaration of Jody Burton represents that the full amount of such attorneys fees and costs is \$2,205.00. New Leaf, despite a full and fair opportunity to object to such amount, has

failed to do so. Accordingly, the Court finds that Plaintiff is entitled to recover \$2,205.00 in attorneys fees and costs, which the Court finds to be fair and reasonable.

Conclusion

In accordance with the foregoing, New Leaf shall **immediately** remit payment of \$2,205.00 to Plaintiff, in care of his counsel. Any failure, neglect or refusal to timely and fully comply with the terms, conditions and requirements of this Order of Court by Defendant New Leaf will result in the imposition of additional sanctions including, but not limited to, a fine in an amount of not less than \$200.00 per day of non-compliance, commencing on December 10, 2014 or the date New Leaf is given notice of this Order, whichever is earlier.

This Memorandum Order is being sent to Defendant New Leaf by the Court via US Mail. Plaintiff's counsel shall attempt to provide expedited notice of this Memorandum Order to Defendant New Leaf via email, telephone and/or facsimile, and shall notify the Court of the date on which such notice has been successfully accomplished.

SO ORDERED this 3rd day of December, 2014.

BY THE COURT:

s/Terrence F. McVerry
United States District Judge

cc: **Jody B. Burton, Esquire**
Email: jburt@lemborglaw.com

New Leaf Solutions, LLC
1912 EVERETT AVENUE,
EVERETT, WA 98201-3607
Via US Mail.